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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,902

05/16/2007

Katsuki Asagiri

740165-443

8304

25570

7590

10/16/2009

ROBERT'S MLOTKOWSKI SAFRAN & COLE, P.C.

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EXAMINER

HAUGLAND, SCOTT J

ART UNIT

PAPER NUMBER

3654

NOTIFICATION DATE

DELIVERY MODE

10/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/594,902

Applicant(s)

ASAGIRI ET AL.

Examiner

SCOTT HAUGLAND

Art Unit

3654

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori et al (JP 2004-42782).

Mori et al (note U.S. equivalent 2004/0075008) discloses a webbing retractor including a spool 20 on which webbing 28 for restraining a vehicle occupant is wound, a motor 44, and a clutch 90. The clutch comprises: a case (one or more of 92 and 98), a rotating body (gear wheel 102 or 102 and rotor 92), a slider 146 held on the case by friction with at least ring 170, and a lock bar 130 urged by spring 154, 158 in a direction in which it engages the spool (through ratchet 112). The rotating body is supported by the case and the clutch is rotatably supported by the case at both ends of a spindle 114. The clutch includes a spring pawl 182 interposed between the gear wheel 102 and the rotor 92 to connect them. Mori et al discloses a resin element (spacer) 118 on one side of ratchet 112 and a plate-shaped element 142 and friction ring 170 on the other side.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (JP 2004-42782) in view of either Fohl (U.S. Pat. No. 5,730,384) or Schmidt et al (U.S. Pat. No. 5,522,564).

Mori et al is described above.

Assuming, *arguendo*, that Mori et al does not disclose a spring in direct contact with the lock bar, Fohl and Schmidt et al teach biasing a lock bar 28 using a spring 32 having a flexible portion in direct contact with the lock bar. Mori et al teaches forming spacer 118 that contacts ratchet 112 of a resin material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the retractor of Mori et al with a spring in direct contact with the lock bar as taught by Fohl or Schmidt et al to simplify the clutch mechanism.

With regard to claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the plate-shaped element 142 or ring 170 of resin or to provide a resin spacer element on the side of ratchet 112 opposite to

118 as taught by Mori et al to reduce friction, wear, and noise. The ratchet in the modified apparatus would be surrounded by resin material.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (JP 2004-42782).

Mori et al is described above.

Mori et al does not disclose that the ratchet is surrounded by resin material.

Mori et al teaches forming spacer 118 in contact with ratchet 112 of a resin material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the plate-shaped element 142 or ring 170 of resin or to provide a resin spacer element on the side of ratchet 112 opposite to 118 as taught by Mori et al to reduce friction, wear, and noise. The ratchet in the modified apparatus would be surrounded by resin material.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over (1) Mori et al (JP 2004-42782) in view of Mori et al (JP 2004-42776) or (2) Mori et al '782 in view of either Fohl or Schmidt et al as applied to claims 4 and 7 above, and further in view of Mori et al (JP 2004-42776).

Mori et al '782 does not disclose that the spring pawl is formed in a ring shape and equipped with a cover portion.

Mori et al '776 teaches forming a spring pawl 222 in a ring shape with a cover portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the clutch of Mori et al '782 with a spring pawl formed in a ring shape with a cover portion as taught by Mori et al '776 to facilitate assembly and provide more secure mounting of the spring pawl.

Response to Arguments

Applicants' arguments filed 6/22/09 have been fully considered but they are not persuasive.

Applicants argue that there is no disclosure in Mori '008 of a lock bar urged in a direction of engagement with a spool by direct contact with a spring. However, the spring comprising elements 154, 158 in Mori '008 corresponds to the claimed spring and directly contacts lock bar 130 and urges it into engagement with a spool. Additionally, it would have been obvious to provide Mori '008 with a spring as taught by Fohl or Schmidt et al biasing the lock bar into engagement with the spool to simplify the clutch mechanism.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The amendments to claim 1, line 13 and claim 5, line 11 necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT HAUGLAND whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/SJH/
10/7/09